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**UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA**

Mi Familia Vota, et al.,
Plaintiffs,
v.

Adrian Fontes, et al.,
Defendants.

Case No: 2:22-cv-00509-SRB (Lead)

**INTERVENOR-DEFENDANTS'
NOTICE OF WAIVER OF
REPLY**

AND CONSOLIDATED CASES

1 As indicated in their Motion for a Partial Stay of the Injunction Pending Appeal
2 (Doc. 730 at 17), Intervenor-Defendants Warren Petersen, in his official capacity as the
3 President of the Arizona State Senate, Ben Toma, in his official capacity as the Speaker of
4 the Arizona House of Representatives, and the Republican National Committee
5 (collectively, the “Movants”) waive their right to file a reply in support of the Motion, in
6 the interest of facilitating an expeditious ruling.

7 The Movants strongly disagree that the Supreme Court’s admonition against last-
8 minute judicially imposed alterations to a state’s election procedures, *see Purcell v.*
9 *Gonzalez*, 549 U.S. 1 (2006), applies to this constellation of facts. If and to the extent that
10 the Court’s injunction was erroneously issued, *Purcell* is no barrier to appellate
11 intervention. *See Merrill v. Milligan*, 142 S. Ct. 879, 882 (2022) (Mem.) (Kavanaugh, J.,
12 concurring) (“Correcting an erroneous lower court injunction of a state election law does
13 not itself constitute a *Purcell* problem. Otherwise, appellate courts could never correct a
14 late-breaking lower court injunction of a state election law. That would be absurd and is
15 not the law.”). And the state and county Defendants cannot contrive a putative *Purcell*
16 problem by willfully refusing for more than a year to implement duly enacted state laws,
17 despite the absence of any appealable court order enjoining their enforcement.

18 That said, the Movants do believe that an approaching series of election-related
19 deadlines—to include the close of voter registration for the July 30, 2024 primary election
20 on July 1, *see* A.R.S. § 16-120(A)—underscores the need for a prompt appellate resolution
21 of the consequential legal questions that the Motion presents.

22 For these reasons, the Movants respectfully request a ruling on the Motion by June
23 14, 2024.

1 RESPECTFULLY SUBMITTED this 6th day of June, 2024.

2
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s/ Hannah H. Porter (with permission)

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CERTIFICATE OF SERVICE

I hereby certify that on this 6th day of June, 2024, I caused the foregoing document to be electronically transmitted to the Clerk's Office using the CM/ECF System for Filing, which will send notice of such filing to all registered CM/ECF users.

/s/ Thomas Basile